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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/281,969

03/31/1999

TAKESHI FUNAHASHI

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08/26/2004

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EXAMINER

BRINICH, STEPHEN M

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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18

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Office Action Summary

Application No.

09/281,969

Applicant(s)

FUNAHASHI ET AL.

Examiner

Stephen M Brinich

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-4, 6, & 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamakita et al.

Re claims 1-4, 6, & 23, Yamakita et al. discloses (Figures 1 & 5 and column 11, line 59 - column 14, line 56; particularly column 11, lines 59-61 and column 12, lines 23-42 & 58-63) an image processor in which an incoming light image is processed into an image signal (Figure 1, image pick-up unit 1) on the reading side. This image signal includes a portion representing an iridial granule. This iridial granule signal then provides a normalization processing condition used in the subsequent processing. The image signal is then received by a processor, and the processor determines normalization parameters on the receiving (processor) side with which to perform normalization processing by processing (and thereby changing) the iridial granule.

Claim Rejections - 35 USC § 103

3. Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakita et al. in view of Applicant's admitted Prior Art.

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Yamakita et al. discloses a processing arrangement for "images" from a generic source, without regard to the specific technology used to obtain and store the original images. As noted by Applicant (page 1, lines 12-19), the reading of the particular recited type of image (a radiation image stored on a stimuable phosphor sheet) is well known in the art. The processing of this particular type of image in accordance with the Yamakita et al. parameters in order to perform the disclosed image identification process would be an expedient obvious to one of ordinary skill in the art.

Allowable Subject Matter

4. Claims 5, 7-21, 24, & 31-32 are allowed.
5. Claims 31-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 5, 7, 8, & 17, the art of record does not teach or suggest the generation of separate image data, reduced image data, and a normalization processing condition generated from the image data by a reading side normalization processing condition determining means.

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Re claims 9-16, 18, & 24 (and dependent claims 19-21), the art of record does not teach or suggest a determination of whether a normalization processing condition falls within a predetermined range in conjunction with the determination of a normalization processing condition for an image.

Re claims 31-32, the iridial granule signal of Yamakita (read on the claimed "normalization processing condition") requires further processing prior to use for normalization processing, and thus is not "capable of being directly used". The signals that are "capable of being directly used" are derived on the receiving side, not the reading side, or the Yamakita device.

Response to Arguments

7. Applicant's arguments filed 25 May 2004 have been fully considered but they are not persuasive.

Re claim 1, Applicant argues (Paper filed 25 May 2004: page 20, lines 11-20) that the iridial granule of Yamakita is "simply part of the image data read by Yamakita's apparatus" and is "not a normalization processing condition" but rather "at most a piece of information that is used to determine the normalization processing condition".

However, it is not clear what limitation upon the claimed "normalization processing condition" precludes this claim term

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from being read upon a set of information that is used (albeit indirectly) to set a condition for normalization processing. Thus, insofar as the iridial granule of Yamakita is a piece of information that is used to determine the normalization processing condition, it is readable upon the claimed "normalization processing condition".

Further re claim 1, Applicant argues (Paper filed 25 May 2004: page 20, line 21 - page 21, line 5) that the normalizing parameters of Yamakita are measured in geometric normalizer 3, which is part of the "receiving side" rather than the "reading side" as required by the claim language.

However, this argument requires the recited "normalization processing condition" to be read upon the measurements of geometric normalizer 3, and not upon the iridial granule of Yamakita (which is, as part of the input image, detected by image pickup 1, which is the original image reading unit and thus clearly located on the "reading side"). As noted above, Examiner finds no limitation upon the claimed "normalization processing condition" that requires the former reading or precludes the latter reading.

Re claims 2-4, 6, 23, & 25-30, Applicant argues (Paper filed 25 May 2004: page 21, lines 7-10) that these claims are allowable for the same reasons as claim 1.

The arguments re claim 1 have been addressed above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

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If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Stephen M Brinich
Examiner
Art Unit 2624

smb 
August 10, 2004



THOMAS D.
~~LEE~~
PRIMARY EXAMINER